

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PATTY A. WALLIS,

Plaintiff,

**09-CV-1075
(TJM/VEB)**

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION and ORDER

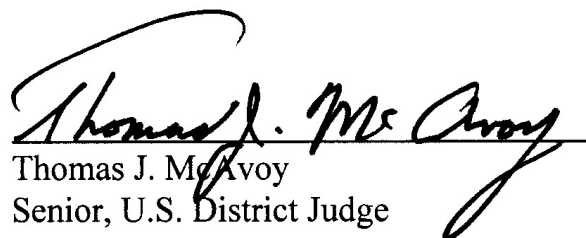
This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated August 5, 2010 ("Report-Recommendation"), Magistrate Judge Bianchini recommended that the Defendant's Motion for Judgment on the Pleadings be GRANTED and that Plaintiff's Motion for Judgment on the Pleadings be DENIED. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, Defendant's Motion for Judgment on the Pleadings is **GRANTED** and Plaintiff's Motion for Judgment on the Pleadings is **DENIED**. The Commissioner's decision denying disability benefits is **AFFIRMED** in accordance with Magistrate Judge Bianchini's recommendation.

IT IS SO ORDERED.

Dated: September 22, 2010


Thomas J. McAvoy
Senior, U.S. District Judge